

**REGULAR CITY COUNCIL MEETING
FRISCO MUNICIPAL COMPLEX
8750 MCKINNEY ROAD
COUNCIL CHAMBERS
FRISCO, TEXAS 75034
5:30 P.M.**

January 7, 2003

MINUTES

1. Call to Order

Mayor Simpson called the Meeting to order at 5:30 p.m. and announced a quorum was present. Those present were:

Mayor Simpson
Deputy Mayor Pro-Tem Maso
Council member Allen
Council member West
Council member Lafata
Mayor Pro-Tem Reveal (arrived at 7:00 p.m.)

Absent: Council member Nichols –vacation.

Staff present:

City Manager George Purefoy
Deputy City Manager Henry Hill
Assistant City Manager Jason Gray
Assistant City Manager Scott Young
Director of Planning John Lettelleir
City Engineer Frank Jaromin
City Attorney Richard Abernathy
City Secretary Nan Parker
Planning & Subdivision Doug Mousel
Director of Parks & Recreation Rick Wieland
Director of Communications and Media Relations Dana Baird
Director of Administrative Services Nell Lange

2. Recess into Closed Session in compliance with Section 551.001 et. seq. Texas Government Code

Council member Lafata moved to recess into Closed Session at 5:30 p.m. Council member West seconded the motion. Motion carried. Vote: unanimous.

Mayor Simpson announced the Council was in Closed Session at 5:30 p.m. as authorized by Texas Government Code Sections to wit:

- a. Section 551.087. Deliberation regarding commercial or financial information that the City has received from a business prospect and to deliberate the offer or other incentives to a business prospect.
- b. Section 551.072. To deliberate the purchase, exchange, lease or value of real property located:
 - i. south of Eldorado Parkway, north of Stonebrook Parkway, east of Teel Parkway, and west of SH 289.
 - ii. south of FM 3537, north of Rolater Road, east of Preston Road, and west Hillcrest Road.
- c. Section 551.074. Evaluation of City Manager.

3. Reconvene into Regular Session and take any action necessary as a result of the Closed Session.

Deputy Mayor Pro-Tem Maso moved to reconvene into open session at 6:30 p.m.. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

4. Invocation.

Reverend Phillip Lotspeich was present to offer the prayer.

5. Pledge of Allegiance.

Deputy Mayor Pro-Tem Maso led the audience in the Pledge of Allegiance.

6. Citizen Input

There was no one present to address the Council during Citizen Input

7. Reports.

a) Planning & Development Monthly Report (JL)

Council member Allen requested that the Quadrant Map regarding multi-family reduction be updated monthly and placed on the website with the revision date on the map.

Discussion regarding the green building program and the process of the testing, permits, etc. for the construction of new homes required under the program. Jeff Witt stated the program was going well, with little problems except for the introduction of fresh air into the homes.

He informed Council the contractors were asking the Planning staff how to install the fresh air systems into the homes.

Mayor Simpson asked about the mandatory subdivisions. Mr. Witt stated that all subdivisions that had been platted following the adoption of the green building ordinance were considered "mandatory subdivisions". The Council discussed the EPA video that is to be produced regarding the green building program requirements within the City of Frisco. Mr. Witt stated the video was still scheduled and he had a meeting schedule with Communication and Media Relations Director Dana Baird to discuss the video.

Deputy Mayor Pro-Tem Maso asked about the training of the Planning & Zoning Commissioners. Mr. Lettelleir stated that there have been plans to have legal training sessions with the commissioners by the Planning staff on an annual basis.

Discussion only, no formal action was taken.

b) Report and update on the screening wall and lighting improvements for Hillcrest Medical Center located at the southeast corner of Lebanon Road and Hillcrest Road. (Planning)

Mr. Lettelleir stated that the construction of the wall has been completed and the shielding of the lights should be completed by the end of the month. Mayor Simpson stated he had driven by the complex and the developer had done an exception job on the addition to the screening wall and had matched the existing brick very well.

c) Report and update on altering the street design for the unbuilt portion of High Shoals Drive east of the Pioneer Middle School (Planning)

Mr. Lettelleir stated that engineering plans have been submitted to the engineering and they plan to alter the design for the unbuilt portion of High Shoals Drive east of Pioneer Middle School. He (Lettelleir) stated the developer had been very gracious to the City in altering the street design.

d) Update on Dallas North Tollway Service Road

Mr. Purefoy stated that Collin County Director of Public Works Ruben Delgado had stated the opening of the DNT Service Road to U.S. 380 should be within the next two weeks. He (Purefoy) stated that Mr. Delgado assured him the City of Frisco would be the first to be made aware of the grand opening.

e) Monthly Financial Report (Administrative Services)

Director of Administrative Services was present to answer questions from the Council. Ms. Lange stated that the council should be receiving the audit report around the first of February.

f) Monthly Engineering Services Staff Report

City Engineer Frank Jaromin updated the Council on the status of Coit Road.

Mayor Simpson stated that he had concerns with people trying to pass on the right when individuals are traveling south on F.M. 423, waiting to turn at Lebanon Road. He said that he had noticed that when the large trucks tried to pass on the right hand side they were going off of the shoulder of F.M. 423.

Mr. Young stated that, at this time, there is not a designated right turn lane at the intersection, however, TxDot is preparing the plans for the installation and construction on the right turn lane in the near.

Council member Allen asked about the signalization at US 380 and Preston Road, questioning the timing of construction and activation of the traffic lights. Mr. Jaromin verified that the construction was scheduled to begin Mid-January, and would require approximately two months to complete. As this will be a TxDot project, the specific schedule will be outside of City control, but that staff will monitor and report as appropriate.

Discussion only, no formal action was taken.

g) Monthly Parks and Recreation Department Staff Report

Rick Wieland requested the Council schedule a joint work session with the Parks & Recreation Board and the Community Development Committee for Monday, February 3, 2002 at 7:00 p.m. He stated the intent of the meeting was for an update on the Parks Master Plan. Mr. Wieland said he would notify the Council where the meeting will be held.

Council member West asked about the status of the Sports Council Bylaws. Mr. Wieland stated plans were to present the bylaws at the next regular council meeting.

Jeff Lepard of the Parks & Recreation Department updated the Council on the upcoming Daddy-daughter dance to be held next month. He stated a fourth dance has been scheduled.

Discussion only, no formal action was taken

h) Introduction of Henry Hill, Deputy City Manager and Dr. Ron Heezen, Director of Library Services

Mr. Purefoy formally introduced Mr. Henry Hill, Deputy City Manager. Assistant City Manager Jason Gray introduced Dr. Ron Heezen, Director of Library Services. Both gentleman have recently joined the staff of the City of Frisco.

Discussion only, no formal action was taken.

i) Progress Status Tracking Report

Assistant City Manager Jason Gray informed the council the database on the computer system has not been operable, however, he will furnish the Progress Status Tracking Report as soon as he is able to make changes. Discussion only, no formal action was taken

8. Consent Agenda

The consent agenda was considered for approval. Council member Allen moved to remove Item b for separate discussion. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: 5-0.

Council member West moved to remove Item g. Deputy Mayor Pro-Tem Maso seconded the motion. Motion carried. Vote: 5-0.

Deputy Mayor Pro-Tem Maso moved to approve the Consent Agenda, excluding b and g. Council member West seconded the motion. Motion carried. Vote: 5-0.

- a. Consider and act upon approval of payment for Invoice Number 221119 from Geo-Marine Inc. for completion of sub-tasks relating to the Riparian and Wetland Study. (Planning)

b. Consider and act upon the approval of the minutes of the Regular City Council Meeting of December 17, 2002. (City Secretary)

Council member Allen moved to approve the minutes of the December 17, 2002 Meeting subject to the amendment of the language on Item #19 (Improvements to Main Street) to reflect, "Council member Allen voted against raised medians on Main Street improvements on Gary Burns Drive to Preston Road." Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: unanimous.

- c. Adoption of **Resolution 03-01-01R** designating the official newspaper for the City of Frisco, calendar year 2003. (City Secretary)

- d. Adoption of **Resolution 03-01-02R** therein authorizing the City Manager to apply to the Texas Parks and Wildlife Department for and pursue a Texas Recreation and Parks Account Regional Grant. (Park and Recreation)
- e. Approval of Professional Services Payment to F&S Architects, Invoices Number 0014703 for \$56,660.12 and 0014729 for \$2,439.92. (Parks and Recreation)
- f. Approval of PGAL Professional Services Payment Number 10010637 for \$1,645.00 and Invoice Number 10010350 for \$8,225.00 for the Preston Road Implementation Plan. (Parks and Recreation)
- g. **Consider and act upon approval of a Resolution authorizing the City Manager to execute an Agreement by and between the City of Frisco and Carter and Burgess to assist in preparation of Texas Parks and Wildlife Department Regional Park Grant Application. (Parks and Recreation)**

Assistant City Manager Scott Young informed the Council that there had been some minor changes to the Agreement and that all parties were in agreement with the changes.

Following discussion, Council member Allen moved to adopt Resolution 03-01-03R (subject to staff's additional comments) therein authorizing the City Manager to execute an Agreement by and between the City of Frisco and Carter and Burgess to assist in preparation of Texas Parks and Wildlife Department Regional Park Grant Application. Deputy Mayor Pro-Tem Maso seconded the motion. Motion carried. Vote: 5-0.

- h. Adoption of **Resolution 03-01-04R** amending the terms of a Boundary Adjustment Agreement by and between the City of Frisco and the City of Plano. (Police Department)
- i. Approval of Pay Application Number 5 to JG Builders, Inc. for \$13,309.50 for work completed on the downtown parking lot project. (Engineering)
- j. Approval of Payment Number 9 to Frisco Industrial Partners for \$354,993.28 for work completed on the Eldorado Parkway Extension to FM 2934 (Project Number 02155).
- k. Approval of Payment Number 3 to R-Con, Inc. for \$67,455.45 for work completed on the Frisco Sports Complex Turn Lanes (Project Number 300-10-10-02113-79250). (Engineering)

- l. Approval of Payment Number 1 to Rodman Excavation for \$173,250.00 for work completed on the Warren Sports Complex Dirt Removal Project (Project Number 02156). (Engineering)
- m. Acceptance of bid number 0211-047 from R-Con, Inc. for construction of Hammons Parkway at the Frisco Sports Complex for \$107,293.60 and adoption of **Resolution 03-01-05R** therein authorizing the City Manager to execute the Agreement for construction services. (Engineering)

END OF CONSENT AGENDA

9. Legislative Agenda

The Legislative Agenda was considered for approval. Council member Allen moved to approve the Legislative Agenda as presented. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: 5-0.

- a) Council member Allen moved to adopt **Ordinance 03-01-01** therein granting a Specific Use Permit (Case No. SUP 2002-0011) for a mini-warehouse on one lot on 4.9± acres located on the north side of College Parkway, 270± west of Coit Road. Zoned Commercial-1. Neighborhood #25. Applicant(s): Frisco Storage Partners, LP. (Planning). Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: 5-0.

END OF LEGISLATIVE AGENDA

10. Public Hearing: Zoning Case Z2002-0028. Consider and act upon a request to rezone 17.8+ acres located 780± feet north of Main Street and 1,030± feet east of Teel Parkway from Commercial-2 to Single-Family-4. Neighborhood #45. Applicant(s): D.R. Horton (Planning Dept.)

Doug Mousel was present to address the council with the Staff and the Planning and Zoning Commission's recommendations of approval.

Council member Allen moved to open the public hearing. Deputy Mayor Pro-Tem Maso seconded the motion. Motion carried. Vote: 5-0.

Jeff Miles, Jones & Boyd, representing the applicant was present to request approval of the application as submitted.

There being no one else to address the Council, Deputy Mayor Pro-Tem Maso moved to close the public hearing. Council member Allen seconded the motion. Motion carried. Vote: 5-0.

Following discussion, Mayor Pro-Tem Reveal moved to approve the request as submitted. Deputy Mayor Pro-Tem Maso seconded the motion. Motion carried. Vote: 5-0.

11. Public Hearing: Zoning Case SA2002-0007. Consider and act upon a request to amend the Subdivision Regulation Ordinance to prohibit the use of Certificates of Correction. Applicant(s): City of Frisco. (Planning Dept.)

Doug Mousel stated that the staff had reviewed the procedures for Certificates of Correction and had determined that a Certificate of Correction was difficult in record keeping and that an amended plat is more acceptable and easier to locate once recorded in the County.

Council member Allen moved to open the public hearing. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: 5-0.

There being no one else present to address the council, Mayor Pro-Tem Reveal moved to close the public hearing. Council member Allen seconded the motion. Motion carried. Vote: 5-0.

Following discussion, Deputy Mayor Pro-Tem Maso moved to approve the request as recommended by staff. Council member Lafata seconded the motion. Motion carried. Vote: 5-0.

12. Public Hearing: Involuntary Annexation Case IA2002-0025 - First public hearing for citizen input regarding the involuntary annexation of 1.300 acres, more or less, located on the west side of Preston Road, 400+ feet south of Fisher Road in the John W. Cox Abstract No. 159, owned by Tony L. and Marianne K. Callaway. Applicant: City of Frisco. (Planning Dept.)

Doug Mousel was present to address the Council regarding the involuntary annexation of 1.300 acres of land. Mr. Mousel stated the service plan was available for public inspection, the property is located within the City of Frisco's ETJ and was contiguous to the existing City Limits, making it eligible for annexation.

Council member Allen moved to open the public hearing. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: 5-0.

Mr. Tony Callaway was present to address the Council regarding the transition from Collin County to the City. He stated that he and his wife are not opposed to the annexation. He stated that he and his wife were very appreciative of the meetings with Mr. Purefoy and the Planning Staff for the improvements to their property. Mrs. Marianne Callaway was present to explain the wedding chapel known as the Chapel Gardens on Preston Road and the functions of the chapel.

There being no one else present to address the council, Mayor Pro-Tem Reveal moved to open the public hearing. Council member Allen seconded the motion. Motion carried. Vote: 5-0.

No action taken pending the second public hearing.

13. Public Hearing: Zoning Case Z2002-0031. A request to rezone 63.5+ acres on the south side of Main Street, 500± feet east of Teel Parkway from Agricultural to Information & Technology. Neighborhood #41. Applicant(s): Gladys Kirk Lloyd Trust (Planning Dept.)

Doug Mousel was present to address the Council regarding the Staff and the Planning & Zoning Commission's recommendations.

Council member Allen moved to open the public hearing. Council member Lafata seconded the motion. Motion carried. Vote: 5-0.

There being no one else present to address the council, Council member Lafata moved to close the public hearing. Deputy Mayor Pro-Tem Maso seconded the motion. Motion carried. Vote: 5-0.

Following discussion, Council member Allen moved to approve the request as submitted. Council member Lafata seconded the motion. Motion carried. Vote: 5-0.

14. Consider and act upon approval of an Amendment to Resolution 02-04-70R and authorizing the City Manager to execute an Amendment to Tower Site Lease Agreement by and between the City of Frisco and AT&T for the Legacy Tower Site. (City Manager's Office/KH)

Assistant City Manager Jason Gray updated the Council on the amendment to Tower Site Lease Agreement by and between the City of Frisco and AT&T. Assistant City Manager Jason Gray stated that the Staff had renegotiated the lease terms at \$1700.00 per month for a three-year term.

Following discussion, Mayor Pro-Tem Reveal moved to approve **Resolution 03-01-05R** therein approving an Amendment to Resolution 02-04-70R and authorizing the City Manager to execute an Amendment to Tower Site Lease Agreement by and between the City of Frisco and AT&T for the Legacy Tower Site. Council member Allen seconded the motion. Motion carried. Vote: 5-0.

15. Consider and act upon approval of a Resolution authorizing the City Manager to execute a Tower Site Lease Agreement between the City of Frisco and AT&T for a site at Warren Sports Complex. (City Manager's Office/KH)

Assistant City Manager Jason Gray updated the Council on the amendment to Tower Site Lease Agreement by and between the City of Frisco and AT&T for a site at Warren Sports Complex. Assistant City Manager Jason Gray stated that the Staff had renegotiated the lease terms at \$1700.00 per month for a three-year term.

Following discussion, Mayor Pro-Tem Reveal moved to approve **Resolution 03-01-06R** therein approving a Tower Lease Agreement by and between the City of Frisco and AT&T for a site at Warren Sports Complex and authorizing the City Manager to sign the Agreement. Council member Allen seconded the motion. Motion carried. Vote: 5-0.

16. Consider and act upon approval of a Resolution authorizing the City Manager to execute a Tower Site Lease Agreement between the City of Frisco and AT&T for the Hillcrest Tower site. (City Manager's Office/KH)

Assistant City Manager Jason Gray updated the Council on the amendment to Tower Site Lease Agreement by and between the City of Frisco and AT&T. for the Hillcrest Tower Site. Assistant City Manager Jason Gray stated that the Staff had renegotiated the lease terms at \$1700.00 per month for a three-year term.

Following discussion, Mayor Pro-Tem Reveal moved to approve **Resolution 03-01-07R** a Tower Lease Agreement by and between the City of Frisco and AT&T for a site at Hillcrest Tower site and authorizing the City Manager to sign the Agreement. Council member Allen seconded the motion. Motion carried. Vote: 5-0.

17. Consider and act upon approval of a Resolution authorizing the City Manager to execute an Agreement by and between the City of Frisco and Phillips Eleven Hundred, Ltd. for the purchase of 0.485 acres, more or less in Denton County. (City Manager)

Mr. Purefoy and Dudley Raymond stated that the land is required for road alignment issues and the expansion of the park area for the neighborhood park in The Trails.

Following discussion, Council member West moved to adopt **Resolution 03-01-08R** therein authorizing the City Manager to execute an Agreement by and between the City of Frisco and Phillips Eleven Hundred, Ltd. for the purchase of 0.485 acres, more or less in Denton County. Council member Lafata seconded the motion. Motion carried. Vote: 5-0.

18. Consider and act upon approval of a Reimbursement Agreement for the construction of a Sanitary Sewer Line by and between the City of Frisco and Tenet Frisco, Ltd. and adoption of a Resolution authorizing the City Manager to execute the Agreement. (City Manager)

Mr. Purefoy updated the Council on the terms of the agreement. He stated Tenet Frisco, Ltd. is going to construct a sanitary sewer to their site and the City would reimburse Tenet the costs of the line that are above and beyond what the costs would have been for their impact fees. In allowing Tenet to bid and construct the line it gives (Tenet) the control of their own destiny for the completion of their project.

Mr. Purefoy stated the line is needed for the hospital and the line will be used to service other properties the line would be adjacent to. He stated that the costs to the City would be made up by impact fees assessed to the other property owners/developers. He stated that any change orders to the construction of the line would have to be approved by the City.

Following discussion, Mayor Pro-Tem Reveal moved to adopt **Resolution 03-01-09R** therein approving and authorizing the City Manager to sign a Reimbursement Agreement for the construction of a Sanitary Sewer Line by and between the City of Frisco and Tenet Frisco, Ltd. Council member Allen seconded the motion. Motion carried. Vote: 5-0.

19. Consider and act upon approval of a Development Agreement by and between the City of Frisco and Panther Creek Ventures, Ltd. and adoption of a Resolution authorizing the City Manager to execute the Agreement. (City Manager)

Richard Abernathy updated the Council on the status of the Development Agreement by and between the City of Frisco and Panther Creek Ventures, Ltd. He (Abernathy) informed the Council they had a three hour meeting working on

the Development Agreement on Monday, January 7, 2003, however, the documents are not yet completed.

Mr. Abernathy stated Mr. Ken Sloan had submitted changes to the language of the agreement to him at 4:30 p.m. today. He stated that he has not had the opportunity to review the agreement since the changes were submitted at such a late date and time.

Ken Sloan was present to address the Council regarding the Development Agreement.

Following discussion, Council member Allen moved to **table** until the January 21, 2003 meeting. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: 5-0.

20. Consider and act upon approval of a Development Agreement by and between the City of Frisco and Independence Partners, Ltd. and adoption of a Resolution authorizing the City Manager to execute the Agreement. (City Manager)

Mr. Abernathy stated that the Agreement called for Escrow Agreement, water line easement and a letter retracting accusations the Developer had made against the City, and the items have not been received as of the meeting.

Ken Sloan stated he was not aware of a water line easement. Mr. Sloan then stated that he was under the impression that Mr. Abernathy was going to provide the easement. Mr. Abernathy stated he would be furnish the field notes and the water line easement for the signatures and dedication to the City.

Council member Allen moved to **table** the item until January 21, 2003 Meeting. Council member Lafata seconded the motion. Motion carried. Vote: 5-0.

21. Consider and act upon the creation of a Public Improvement District for an area south of future Panther Creek Parkway, north of Eldorado Parkway, west of future Coit Road, and east of SH 289 and approve a Resolution regarding the PID. (City Secretary)

Council member Allen moved to reopen the public hearing. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: 5-0.

Carey Cobb was present to address the Council regarding the amended petition to the original PID petition. He stated that the Developer and the PID Advisory Board were very close in reaching a recommendation for the PID to be brought to council.

Mayor Pro-Tem Reveal stated that the PID Advisory Board had agreed in principal, but the agreement/resolution need to be completed.

There being no one else present to address the council, Mayor Pro-Tem Reveal moved to continue the public hearing until the January 21, 2003 meeting. Council member West seconded the motion. Motion carried. Vote: 5-0.

22. Consider and act upon approval of Legislative Monitoring Tracking Services. (City Manager)

Mr. Purefoy stated that he had placed the item on the agenda to make sure the Council agreed to the concept of an Agreement for Legislative Monitoring Tracking Services. He stated that he recommended the City execute an Agreement Lloyd, Gossett, Blevins for the tracking system. He emphasized the need to closely monitor all Legislative actions during the upcoming Legislative Session, including activities on the 4A and 4B sales tax issues.

Council member Allen moved to authorize the City Manager to execute an agreement for Legislative Monitoring Tracking Services. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: 5-0.

23. Consider and act upon whether to direct staff to submit a written notice of appeal on behalf of the City Council to the Planning & Development Department, pursuant to Article IV, Section 1.07(C) of the Comprehensive Zoning Ordinance and/or Section 4.05 of the Subdivision Regulation Ordinance, regarding action taken by the Planning & Zoning Commission on any site plan or plat. Any written notice of appeal must be submitted to the Planning & Development Department.

Mr. Lettelleir updated the Council on the two actions taken by P&Z which could be subject to Council review for appeal. Council declined to appeal either of the P&Z decisions. No formal action was taken

24. City Council discussion with City Staff concerning any actions required by City Staff as a result of any item on tonight's agenda.

- Staff was instructed to place a Multi-family discussion on the agenda for the Mid-Winter Work Session on February 1, 2003.

- Staff was instructed to place training for the Planning & Zoning Commission on the Mid-Winter Work Session on the February 1, 2003
- A Joint Work Session with Parks & Recreation Board, Community Development Corporation and the Council was scheduled for February 3, 2003, at 7:00 p.m. location to be determined.
- Staff was instructed to place the Settlement with TXU on the January 21, 2003 agenda.
- Staff was instructed more regularly maintain the Multi-family quadrant map with the current date on the website.
- The City Secretary was instructed to provide council attendance records of for regular meetings, special meetings, work sessions, special ribbon cuttings and groundbreakings. The attendance record is to start from this date forward.

25. Discussion on Governance Monitoring of present City Council Meeting

Mayor Pro-Tem Reveal asked if the Council would like to consider creating an evaluation form for the audience to monitor and/or rate the City Council. The general consensus was to consider the process. Discussion only, no formal action was taken.

26. Adjourn

There being no additional business, the meeting was adjourned at 8:15 p.m.

E. Michael Simpson, Mayor

ATTEST:

Nan Parker, City Secretary TRMC/CMC